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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/674,092      | 09/29/2003  | Ray Redden           | 70012200-0040-0004  | 2163             |

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| EXAMINER |
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WYSOCKI, ANTHONY J

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| ART UNIT | PAPER NUMBER |
|----------|--------------|

2837

|           |               |
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| MAIL DATE | DELIVERY MODE |
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05/30/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/674,092

Applicant(s)

REDDEN, RAY

Examiner

Jonathan Salata

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 4-26-07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) 3 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4 is/are rejected.
- 7) ☒ Claim(s) 5-7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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Paper No:20070524  
Application No:10/674092  
Filing Date: September 29,2003

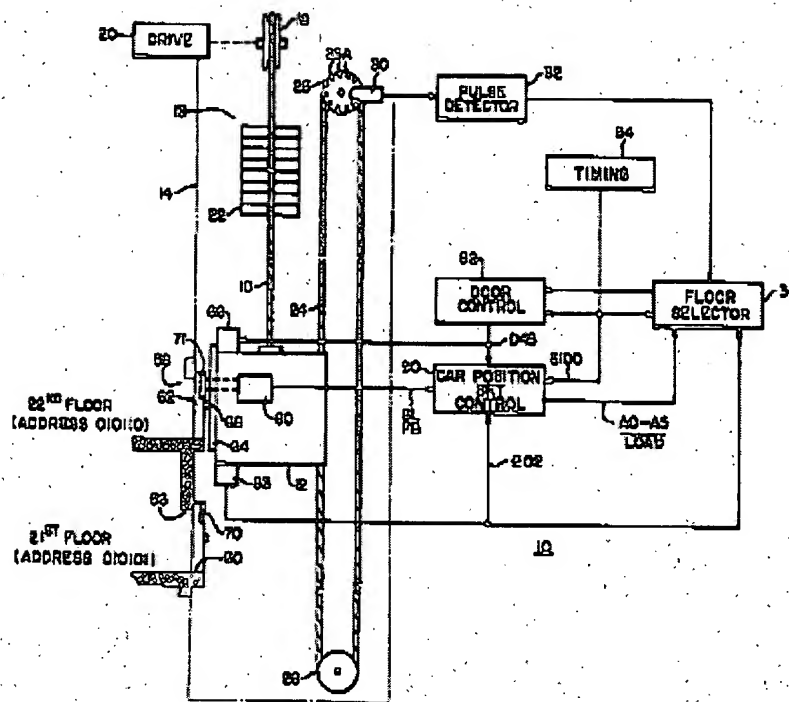
1. Claim 3 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Group, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 11-14-05.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1,2,4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zolnerovich et al (4134476) and Dobler et al (6128116).

Zolnerovich et al teaches in figures 1-4, an elevator control system.



Pulse reader 32 and readers 80,83 determine the speed etc. and landing/door zones for the control of the elevator car 12. Targets 70,71 containing coded transmitters specify the landing/door zones and floor location. Pickup 30 can also be used to determine speed or position and may be placed on the car/hoistway instead of the governor, see col. 3, lines 15-20.

Col. 3, line 60- col. 5, line 30 describe the use of the position detection at each floor for targets 70 and reader 80.

Col. 4, lines 1-10, state 83 is a landing zone detector.

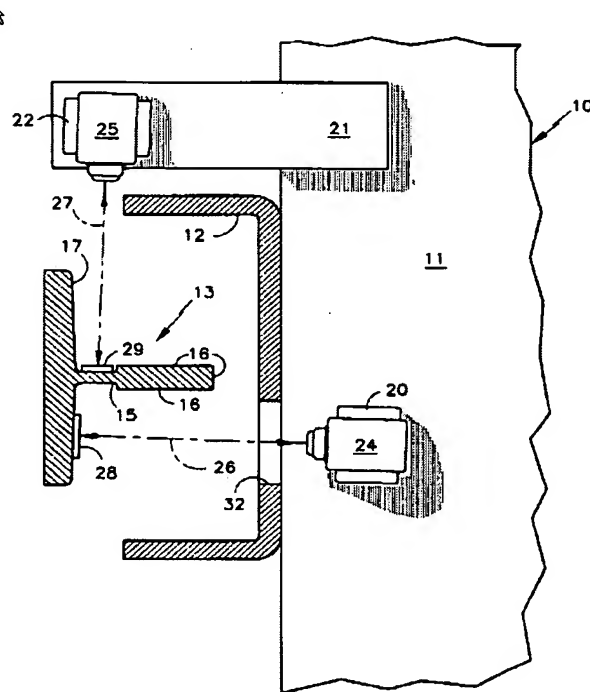
The sensors are clearly stated as conventional and may comprise either optical or magnetic sensors and associated receivers, see col. 1, lines 50-65. Col. 3, lines 10-20 which state pickups are conventionally optical or magnetic. Hall effect is considered conventional magnetic.

Col 3, lines 15-20 further state that the pickups can also be placed on the car an hoistway rather than the governor.

Zolnerovich et al does not illustrate the targets 70,71 in a pocket on the guide rail.

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Dobler et al teaches that it is advantageous to place the targets in a pocket in the guide rail and utilize a reader for the targets due to high maintenance and noise of conventional switches/rollers.



Rail 17. Target 29 in pocket 15. Sensor 25 on car 11 determines limits (zones) as well as speed.

Thus, to utilize a reader for position/speed control of an elevator wherein the targets are placed in pockets on the rail would have been an obvious engineering design choice to one of ordinary skill in the art to reduce noise and lower maintenance for the elevator system.

4. Claims 4-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The use of a follower wheel with associated ring and first target attached, is not taught or reasonably suggested by the cited art of record.

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5. Applicant's arguments filed 4-26-07 have been fully considered but they are not persuasive.

Applicant has stated that neither cited reference teaches the use of magnetic sensors/detectors.

As stated above, Zolnerovich et al teaches the use of both optical and magnetic sensors.

Applicant further states that the pickup 30 is not placed on the car as claimed.

The examiner points out that Zolnerovich et al provides several pickups to determine the elevator parameters such as speed, position and zones. These include targets 70,71 and sensors 80,83 as well as pickup 30 which can be placed on the governor or on the car and hoistway, see col. 3, lines 15-20.

As stated above, conventional sensors such as optical or magnetic may be utilized. Hall effect sensors are conventional magnetic sensors.

Zolnerovich et al may also utilize several types of sensing systems but states that conventional sensors (magnetic) may be utilized on the car and hoistway rather than the governor.

Zolnerovich et al does not illustrate the sensors placed in the pockets of the rails.

Dobler et al clearly states that the use of sensors placed in pockets in the rails provides a quieter system for position/speed determination in the control of an elevator especially as the speed of the elevator car increases.

A shortened statutory period for response to this action is set to expire 3 months from the date of this letter.

Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Any inquiry of a **general nature** should be directed to the **Group receptionist** whose telephone number is **(571) 272-2800**.

**Information regarding the STATUS of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or public PARI. Status information for unpublished applications is available through Private PAIR ONLY. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Any questions on access to PAIR, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).**

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Papers related to this application may be submitted by facsimile transmission. Papers should be faxed to Group 2800 via the PTO Fax Center. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 O.G. 30 (November 15, 1989). The Fax Center number is (571) 273-8300.

For assistance in **Patent procedure, fees, or general Patent questions** calls should be directed to the **Inventors Assistance Center (IAC)** whose telephone number is **800-PTO-9199 or 800-786-9199**. Assistance is also available on the Internet at [www.uspto.gov](http://www.uspto.gov).

**For requesting copies of Cited Art, Office Actions or the like, response to Status Letters, lost files or papers or General Problem solving, calls should be directed to the TC 2800 Customer Service Office whose telephone number is 571-272-2800 or by fax at 571-273-8300.**

Any inquiry concerning **this communication or earlier communications from the examiner** should be directed to **Jonathan Salata whose telephone number is (571) 272-2073**. The examiner does not have as detailed access as the previously listed numbers with regard to status or general problem solving. The examiner can normally be reached on Monday through Thursday from 7:30 am to 2:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lincoln Donovan, can be reached on (571) 272-2800 ext 27.

ajs

May 23, 2007

  
**JONATHAN SALATA  
PRIMARY EXAMINER  
ART UNIT 2837**